

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION GRANTING A  
CONDITIONAL USE PERMIT  
FOR 1200 NORTH 7<sup>th</sup> STREET  
WITHIN THE CITY OF MARSHALL, MINNESOTA**

**WHEREAS**, an application has been submitted by Western Minnesota Municipal Power Agency, (“Applicant”) to the City Council requesting approval of a conditional use permit under the Zoning Code, Article 86-IV, Section 86-96, in the City of Marshall for the following location:

**LOCATION:** 1200 North 7<sup>th</sup> Street.

**LEGAL DESCRIPTION:** See attached.

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** A Conditional Use Permit to install commercial solar energy collector system on the property located at 1200 N. 7<sup>th</sup> Street and legally described above, and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on April 12, 2023, and

**WHEREAS**, staff presented the Planning Commission with information that the requested use meets the criteria listed for granting a conditional use for a solar energy collector system as allowed as a conditional use in A districts per Marshall Code, Article 86-IV, Section 86-96 (d) and (e), and

**WHEREAS**, staff specifically found:

- (1) The lot in question falls within an A district and is surrounded by agricultural and industrial land.
- (2) The proposed use has adequate access to Erie Road/County Road 33.
- (3) The proposed use will not generate any additional traffic due to its automated nature.
- (4) There are no landscaping requirements applicable to A districts.
- (5) There will be no outside storage associated with proposed use.
- (6) There will be one accessory maintenance building on site.
- (7) There will be no main buildings associated with solar energy collection use.
- (8) The area of site is adequate for proposed equipment as designed.
- (9) There will be two off-street parking spaces for maintenance visits even though no parking is required by Ordinance.
- (10) The proposed construction will meet the Flood Ordinance.
- (11) The existing utility and public service facility adequately support the proposed use.
- (12) The area will be seeded with native grasses and will be adequately maintained.

**WHEREAS**, the City Council reviewed the Minutes of the Planning Commission and heard from staff, and

**WHEREAS**, Staff reiterated its findings to the Council at the April 25, 2023 Council meeting,

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Marshall that the City Council accepts and adopts the following findings:

1. Because of the nature of the proposed use and its location, the requested conditional use will not:
  - a. Be inconsistent with adjacent properties.
  - b. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
  - c. Violate any Ordinance provisions.
2. Because of the permitted uses for A districts in this Code, the proposed conditional use is a reasonable use of the land.
3. The conditional use will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**FURTHER, BE IT RESOLVED**, by the City Council of the City of Marshall that the City Council accepts that:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.

**FURTHER, BE IT RESOLVED**, that the City Council of the City of Marshall hereby approves the requested conditional use permit, subject to on-going compliance with all of the following conditions:

1. If within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been initiated, the CUP shall become null and void unless a petition for an extension of time in which to complete the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
2. Pursuant to Marshall Code Article 86-II, Division 86-II-2, Section 86-49, no application for a condition modification shall be considered by the planning commission or council for at least

one-year from the date of a conditional use permit approval or from when circumstance sufficiently change to justify a review.

- 3. This Conditional Use Permit shall become effective upon filing a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
- 4. The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
- 5. The owner shall obtain all relevant and required permits prior to beginning any work.
- 6. The City reserves the right to revoke the Conditional Use Permit if the applicant or if ownership of the property has transferred, then the current owner, has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default

The foregoing resolution, arising out of the motion offered by \_\_\_\_\_ and seconded by \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office. I have read and agree to the conditions of this resolution as outlined above.

\_\_\_\_\_  
Property Owner / Applicant

\_\_\_\_\_  
Date